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OKLAHOMA LAW REVIEW

SYMPOSIUM ISSUE

*Law and National Security: Access to
Strategic Resources*

The Collected Papers

The Food Questions Within the Prism of
International Law of Development

Yohannes Kassahun

NOTES

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OKLAHOMA LAW REVIEW

VOLUME 38

SPECIAL ISSUE

NUMBER 5

Symposium

Law and National Security: Access to Strategic Resources

<i>Preface</i>	<i>Drew L. Kershen</i>	<i>ix</i>
<i>Foreword</i>	<i>John Norton Moore</i>	<i>xi</i>
National Security Implications of Soviet and American Agricultural Products	<i>Henry Bellmon</i>	771
National Security Implications of Structural Changes in U.S. Agriculture	<i>Gene Wunderlich</i>	777
National Security Implications of Land Reform in Third World Nations	<i>William C. Thiesenhusen</i>	789
Food Security: Policy Options and Implications for National Security in Developing Countries	<i>Jack W. van Holst Pellekaan</i>	799
National Security Implications of Access to Strategic Minerals in a Turbulent World	<i>Dr. Ewan Anderson</i>	807
National Security Implications of Divestiture in South Africa	<i>William C. Mott</i>	813
National Security Implications of the Development of Synthetic Fuels	<i>Edward E. Noble</i>	821
National Security Implications of the European-Soviet Trade in Natural Gas	<i>Michael A. Daniels</i>	825
National Security Implications of the International Trade in Petroleum Products	<i>William W. Talley II</i>	831
National Security Implications of Population	<i>Karl Zinsmeister</i>	837
National Security Implications of Immigration	<i>Richard Day</i>	845
National Security Implications of Emigration: The Caribbean Experience	<i>Christopher Mitchell</i>	849

National Security Implications of Strategic Resources: An Eastern
Perspective
Dr. Zdzislaw M. Rurarz 859

ARTICLE

The Food Questions Within the Prism of International Law of
Development
Yohannes Kassahun 863

NOTES

International Law: Implications of the "Strategic Defense
Initiative" 893

Natural Resources: Water: A New Liquid Gold 907

PREFACE

Every nation is shaped by many influences. A nation is shaped by its people—by their varied heritages, attitudes, and expectations, by their linguistic and religious affiliations. A nation is shaped by its geographical land base—its location, its fertility for agriculture, and its productivity for minerals and energy resources. Although many other influences also help to shape a nation, the two mentioned—the people and the land—are assuredly significant shaping influences.

At the same time, no matter how blessed a nation is in its people and its land, no nation is an “island unto itself.” Great movements of people within nations, across borders, and between continents affect the people of a nation and indeed become the people of other nations. Under the conditions of international trade in the world today, no nation is completely self-sufficient or self-contained with respect to the resources garnered from the land. A constant flow of people and goods between nations has created an interdependent world.

In recognition of this interdependence, the ABA Standing Committee on Law and National Security and the University of Oklahoma College of Law sponsored a Law Professor Workshop on September 6-7, 1985, on the topic: *Law and National Security: Access to Strategic Resources*. For purposes of this conference, the terms “national security” and “strategic resources” were given broader definitions than their usual connotations. National security was defined to include the general well-being (economic, political, and social) of the nation; strategic resources were defined to include people as a basic resource of any nation. Moreover, the term “access” was defined to have both a domestic and an international perspective.

Using these broad definitions of “national security” and “strategic resources,” the Workshop was divided into three themes that are relevant to the United States as a whole, but which have a particular flavor of Oklahoma. One session dealt with the theme of *Access to Agricultural Resources*; a second session considered the theme of *Access to Mineral/Oil/Gas Resources*; and the third session probed the theme of *Access to Population Resources*. Then, within each session, speakers first emphasized the domestic perspective concerning access to the resource being discussed, while later speakers stressed the international perspective on access.

In accordance with this flow, participants in Session One heard about and discussed the health of domestic American agriculture, both in terms of international trade and the distribution and ownership of American farmland. Attention then shifted to the implications for American well-being of international agricultural issues relating to land reform and world hunger.

During Session Two, participants pondered the domestic implications of dependence upon other nations for supplies of basic mineral resources, with a particular focus on the significance of South Africa, and independence from energy dependence through the development of synthetic fuels. Participants’

attention was then refocused on the international arena as speakers articulated the impacts on America of worldwide trade in gas and petroleum reserves.

In the final session, speakers and participants discussed the implications for America of domestic demographic trends, and immigration and immigration reform. Speakers and participants then shifted their attention to the international sphere as they delved into the importance for America of population movements in Caribbean nations and control by the Soviet Union over both the land and human resources of Eastern Europe.

While the Workshop provided a full agenda and stimulating presentations and discussions, this Symposium Issue provides additional reflections on Law and National Security. Visiting Professor Yohannes Kassahun and two University of Oklahoma College of Law students address three issues that are related to the themes of the Workshop. Professor Kassahun discusses the Right to Food as a right to development under international law. Mr. Jackson discusses a resource often taken for granted but without which life cannot be sustained—water. And finally, Ms. Cypser probes the implications under international law of the United States' Strategic Defense Initiative.

Our purpose at the ABA Standing Committee, the University of Oklahoma, and the *Oklahoma Law Review* is that through publication of these Workshop presentations and the additional article and student notes, readers will gain a greater awareness of and insight into law and national security as these intertwine around issues arising from access to basic resources necessary for human and national existence: food, water, land, people, minerals, energy, and security. In this Symposium Issue of the *Oklahoma Law Review*, our goal was to educate. Our hope is that we have educated our readers well.

*Drew L. Kershen, Professor of Law, Local Program Planner,
Symposium Faculty Adviser*

FOREWORD

The materials that follow reflect the proceedings of the Law Professor Workshop, "Law and National Security: Strategic Resources," which was sponsored by the American Bar Association's Standing Committee on Law and National Security in cooperation with the University of Oklahoma College of Law on September 6-7, 1985. This was one of a series of such workshops sponsored by the Standing Committee in recent years in a continuing effort to enrich legal education. The Standing Committee believes that if future generations of lawyers are to carry on the traditions of public service and community leadership, it is essential that they be knowledgeable about major national security issues confronting the United States. To further this process, we have through these workshops invited law professors from across the nation to meet with some of the nation's leading experts on major issues of national security concern.

The workshop on Strategic Resources was divided into three areas. Friday morning's session was devoted to agricultural issues, and the afternoon program focused on minerals and oil. Saturday's session addressed problems of population growth, productivity, emigration, and immigration, under the broad title of "people." While time constraints prohibited full consideration of every aspect of this important subject area, the comments made by participants following the conclusion of the program left us persuaded that it had been a success and that everyone had learned from the experience.

Although we appreciate the variety of views presented, we note that they do not necessarily represent those of the Standing Committee or the American Bar Association.

I would be remiss if I failed to express the Standing Committee's deep gratitude to Professor Drew Kershen of the University of Oklahoma College of Law, who designed the workshop and played the leading role in ensuring its success.

*John Norton Moore, Chairman
Standing Committee on Law and
National Security*